

**REMARKS**

The present claims relate to a chemical amplification type positive resist composition.

***Amendment summary***

Upon entry of this Amendment, Claims 1, 2, 5-7, and 9-10 will be pending.

Claim 1 is amended recite the subject matter of Claim 8, which is canceled. Thus, Claim 1 now recites a chemical amplification type positive resist composition that comprises a resin which contains a structural unit having an acid labile group and which itself is insoluble or poorly soluble in an alkali aqueous solution but becomes soluble in an alkali aqueous solution by the action of an acid and which further contains a structural unit derived from 2-norbornene and a structural unit derived from an aliphatic unsaturated dicarboxylic anhydride. Claim 1 is also amended to insert a missing colon after the phrase, “a group of the formula (Vc).”

Claims 7 and 9 are amended due to the above amendment to Claim 1.

No new matter is added by this Amendment, and Applicant respectfully submits that entry of this Amendment is proper.

***Status of the claims***

The Office Action rejected claims 1, 2, 5-7, and 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wakisaka et al. in view of Kinoshita et al. and Lee et al. Claims 8 and 9 were allowed.

***Response to rejection of claims 1, 2, 5-7, and 10 under 35 U.S.C. § 103(a) based on the combined teachings of Wakisaka et al., Kinoshita et al., and Lee et al.***

The Office Action rejected claims 1, 2, 5-7, and 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combined teachings of Wakisaka et al., Kinoshita et al., and Lee et al., for reasons previously made of record.

Applicant notes that claims 8 and 9 were not included in this rejection, and were indicated to be allowed.

With regard to the merits of the rejection, claim 1 includes the subject matter of allowed claim 8. Accordingly, Applicant respectfully submits that the combined teachings of the above references do not anticipate nor render obvious the present claims, which, due to their dependence from claim 1, all incorporate subject matter deemed allowed.

Therefore, Applicant respectfully requests withdrawal of this § 103(a) rejection of Claims 1, 2, 5-7, and 10.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
Appln. No. 10/657,149

Atty. Docket No. Q77409

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
John T. Callahan  
Registration No. 32,607

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: January 10, 2007